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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff
Investment Securities LLC,

Plaintiff,

vs.

BAM L.P., MICHAEL MANN, and
MERYL MANN,

Defendants.

Adv. Pro. No. 10-04390 (SMB)

NOTICE OF FINAL PRE-TRIAL CONFERENCE

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case

Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”) (ECF No. 3141). Under the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, in this adversary proceeding on November 30, 2010 (Adv. Pro. No. 10-04390, ECF No. 1), the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) apply to the instant matter.

On January 25, 2012, the Trustee filed the Amended Complaint (Case No. 11-cv-07667, ECF No. 9) against Defendants BAM L.P., Michael Mann, Meryl Mann, Betsy Mann Polatsch and Adam Mann (the “Defendants”).

On April 16, 2014, Defendants filed an Answer to Trustee’s Complaint (Adv. Pro. No. 10-04390, ECF No. 40) and the Parties commenced discovery, which was completed on December 8, 2015.

On February 2, 2016, the Trustee filed a Notice of Mediation Referral (Adv. Pro. No. 10-04390, ECF No. 49), and the mediation was held on March 22, 2016 and January 17, 2017 without a settlement between the Parties.

The mediator filed her final report on January 24, 2017 (Adv. Pro. No. 10-04390, ECF No. 63).

On September 28, 2018, this Court entered its Order Setting Trial (Adv. Pro. No. 10-04390, ECF No. 108); scheduling it to begin December 3, 2018. The order further provided that the Defendants shall file any motion to withdraw the reference within thirty days of the order’s entry.

On October 26, 2018, Defendants filed a Motion to Withdraw the Reference (the “Motion to Withdraw”) (Adv. Pro. No. 10-04390, ECF No. 114 and Case No. 18-cv-09916, ECF No. 1), and it was assigned to United States District Court Judge Vernon S. Broderick. The Motion to Withdraw was fully briefed by January 16, 2019 (Case No. 18-cv-09916, ECF No. 22).

On January 18, 2019, Judge Bernstein entered a Memorandum Decision and Order upholding this Court’s equitable jurisdiction. *See Sec. Inv’r Prot. Corp. v. BLMIS*, 597 B.R. 466, 486 (Bankr. S.D.N.Y. 2019). On January 28, 2019, Defendants filed their motion for leave to appeal the decision pursuant to 28 U.S.C. §158(a) (the “Motion for Leave”) (Case No. 19-cv-00812, ECF No. 1), which was also assigned to District Court Judge Broderick on April 11, 2019. The Motion for Leave was fully briefed by February 19, 2019 (Case No. 19-cv-00812, ECF No. 6).

On December 21, 2018, the Trustee moved for summary judgment on Count One of the Amended Complaint (Adv. Pro. No. 10-04390, ECF No. 9) pursuant to Rule 56 of the Federal Rules of Civil Procedure (made applicable by Rule 7056 of the Federal Rules of Bankruptcy Procedure and Southern District of New York Local Bankruptcy Rule 7056-1).

On September 11, 2019, the Court entered its Memorandum Decision Granting Relief Under Federal Rule of Civil Procedure 56(g). (Adv. Pro. No. 10-04390, ECF No. 174). On September 25, 2019, the Court entered an order settling its September 11, 2019 memorandum decision on the Trustee’s motion for summary judgment and directing the parties to this adversary proceeding to contact chambers to schedule a pre-trial conference with respect to the remaining issue identified in the order. (Adv. Pro. No. 10-04390, ECF No. 175).

On February 26, 2020, District Court Judge Broderick entered an Opinion and Order denying Defendants’ Motion to Withdraw and Motion for Leave, and directing the Clerk of

Court to close the motions. (Case No. 18-cv-09916, ECF No. 28; Case No. 19-cv-00812, ECF No. 10).

Under Section 7 of the Avoidance Procedures concerning scheduling a pretrial conference and trial, the final pre-trial conference in this adversary proceeding has been scheduled for **March 25, 2020, at 10:00 a.m.** before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge and all trial counsel are required to attend.

Dated: March 5, 2020
New York, New York

Respectfully submitted,

By: /s/ Nicholas J. Cremona
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